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RUEHGG/UN SECURITY COUNCIL COLLECTIVE PRIORITY  
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C O N F I D E N T I A L SECTION 01 OF 02 KHARTOUM 001241

SIPDIS

NSC FOR MGAVIN, LETIM

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TAGS: [PREL](#) [PGOV](#) [KDEM](#) [KAWC](#) [MOPS](#) [SU](#)

SUBJECT: U.S. SPECIAL ENVOY GRATION MEETS WITH DR. GHAZI  
SALAHEDDIN

REF: KHARTOUM 1193

Classified By: CDA Robert E. Whitehead for reasons 1.4 (b) and (d)

¶1. (C) Summary. In a November 2 meeting, U.S Special Envoy (SE) to Sudan General Scott Gration discussed with influential Presidential Advisor Dr. Ghazi Salaheddin a brief list of possible resolutions to outstanding points of contention between the National Congress Party (NCP) and the Sudan People's Liberation Movement (SPLM) regarding implementation of the Comprehensive Peace Agreement (CPA). Ghazi said that there will not be a referendum without prior resolution of the "most central" post-referendum issues. Ghazi said that the NCP wants "full-scale elections" and is willing to consider an eighty percent majority requirement for constitutional amendments if the SPLM is willing to accept the census results. Ghazi repeatedly expressed frustration with the SPLM and stated that the NCP no longer trusts the SPLM as an implementing partner. Ghazi, who oversees the Darfur portfolio for the Government of Sudan (GoS), was willing to consider a unilateral cessation of hostilities in Darfur, but said that approval and compliance by the Sudan Armed Forces (SAF) without a pre-established date for peace talks and specific prohibitions for SAF and rebel forces will be extremely difficult. Ghazi appears ready for some conclusion to the outstanding CPA issues, but was frustrated with the SPLM and pessimistic about progress. End Summary.

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Prior Resolution of Post-Referendum Issues Necessary  
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¶2. (C) Ghazi said that post-referendum issues are of paramount importance to the GoS. He said that there cannot be a referendum without prior resolution of the "most central" post-referendum issues, and that proceeding with a referendum without first settling these issues is a "recipe for war." Ghazi, however, acknowledged some post-referendum issues as being more urgent than others, agreeing that perhaps the issues for consideration prior to the referendum could be limited to a crucial few, including cross border resources and citizenship.

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NCP Wants "Full-Scale Elections"  
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¶3. (C) Ghazi stated that the NCP wants "full-scale elections", not executive-only elections in parts or all of Sudan. He acknowledged that elections were impossible

without some solution to the census, and stated that the NCP is willing to require an eighty percent majority to change the constitution if the SPLM accepts the census results. Ghazi was also not interested in a proposal that NCP candidates abstain from running for elections in the south, while SPLM candidates abstain from running in the north. Ghazi said, "Frankly, we don't trust the SPLM," stating that the SPLM would run candidates in the north, even if such candidates ran under another party's ticket. Regarding popular consultations in Southern Kordofan and Blue Nile, Ghazi stated that the CPA does not require or even mention a national law governing the process, but stated that the NCP might agree to a national law as a trade-off for the SPLM's acceptance of census results.

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Partnership with SPLM "Off the Table"  
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¶4. (C) Ghazi expanded on this lack of trust, stating that the whole concept of a partnership between the NCP and SPLM to achieve CPA implementation should be "taken off the table." He acknowledged that the NCP needs a partner in the south, whether the south chooses unity or secession, but stated that the majority of NCP members are "desperate" and that the situation has gone too far to ever achieve partnership. He said that, rather, the NCP will focus solely on implementing the CPA as drafted, as the SPLM is behaving impossibly suspicious, obstructive, and spiteful.

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Ghazi Delays Passage of Security Law

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¶5. (C) Ghazi said that the NCP are ready to discuss the SPLM's objections and suggestions regarding the security law. He noted that he has personally asked the legislative assembly to delay passage of the controversial law in order to give the SPLM time to "come to their senses" but that he is not hopeful. He defended provisions of the law granting the intelligence service the right to detain suspects for thirty days as squarely within international standards, including those of the U.S. and Great Britain. He added that Sudan could not comply with its counter-terrorism obligations without these powers.

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Khartoum-Initiated Ceasefire in Darfur Possible  
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¶6. (C) Ghazi was willing to consider a Khartoum-initiated cessation of hostilities in Darfur, but said it will be extremely difficult to get approval and compliance from the SAF without both a pre-established date for peace talks in the near future and specific prohibitions for SAF and rebel forces. Ghazi stated that approximately ten days before peace talks is an appropriate time frame to attempt a cessation of hostilities or call for a "no offensive operations". He also said that general terms like "ceasefire" and "cessation of hostilities" are tired and insufficient, and that the SAF will need to be presented with a clear list of what can and cannot be done.

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Hybrid Courts Not Acceptable; Compromise Possible  
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¶7. (C) Regarding the recommendation of the panel headed by Thabo Mbeki, former President of South Africa, that hybrid courts be established to try war crimes cases related to the Darfur conflict, Ghazi responded that this was simply a recommendation, and that it is not up to Mbeki to decide the constitutionality of hybrid courts under Sudanese law. Ghazi, however, was open to the idea of independent

monitoring to ensure the impartiality of Sudanese courts tasked with trying cases, or a hybrid pre-trial court, tasked with deciding if a valid case exists.

18. (C) Comment. Ghazi appears open to proposals and ready for some conclusion to the outstanding CPA implementation issues, but is clearly frustrated with the SPLM and pessimistic about progress. Ghazi's stated desire to unilaterally work toward implementation of the CPA provisions over which the GoS has some control, without partnering with the SPLM is understandable but unworkable given the nature of the issues. His stated willingness to consider a trade-off of a national law governing popular consultations in return for acceptance of the census results by the SPLM is encouraging, as is his offer to allow the SPLM the power to block constitutional changes. GoS leadership is clearly focused on post-referendum issues and is unlikely to allow a referendum to take place without first addressing at least some of these issues. End Comment.

WHITEHEAD